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Notice of Allowability

Application No.

10/705,931

Examiner

Khoa D. Huynh

Applicant(s)

PFENNIGER ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interviews conducted on 03/01/07 & 03/05/07.
2. ☒ The allowed claim(s) is/are 2-14 and 17-24.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20070305.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms Linda Saltiel on 03/01/2007 & 03/05/2007.

The application has been amended as follows:

Claims 1, 15 and 16 have been cancelled.

New claims 22-24 have been added as follow:

22. A toothbrush with a toothbrush body and a toothpaste container, the toothbrush body having

a head which is covered with bristles;

a neck;

a handle part which adjoins the neck and forms a handle together with the toothpaste container, wherein the toothpaste container is removably inserted into the handle part, wherein the toothpaste container has a container body, said container body having a first end equipped with a dispensing head, a second end opposite said dispensing head, a top side and an opposite bottom side;

a handle shell part formed at least partially at said top side of said container body; and

a container holder being integrally formed with the handle part, wherein the container holder at least substantially completely encloses said dispensing head and partially encloses said opposite bottom side of the toothpaste container when the toothpaste container is inserted into the handle part, and wherein, the container body is integrally formed with said handle shell part as a single piece which projects beyond the container holder and together with the handle part forms an exterior surface of the handle, the container body together with the handle shell part form a chamber for holding toothpaste, at least part of the container body is thin walled and more flexibly elastic than the rest of the container body, such that, with the toothpaste container removed from the handle part, pressure applied to the toothpaste container will force the toothpaste out of the toothpaste container, and

wherein the surface of the handle, essentially maintains its form when subjected to loading which occurs during teeth cleaning, irrespective of the filling level of the toothpaste container.

23. A toothbrush body for a toothbrush, the toothbrush body having

a head, which is covered with bristles,

a neck, and

a handle part, which adjoins the neck and on which is integrally formed a container holder which is intended for accommodating a toothpaste container inserted into the handle part and for partially enclosing the toothpaste container when inserted therein, wherein the toothpaste container has a dispensing head, which is closed in a sealed manner to prevent toothpaste from running out of the toothpaste container when

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the toothpaste container is inserted in the handle part, and a container body, said container body having a first end equipped with the dispensing head, the toothpaste container further having a second end opposite said dispensing head, a top side and an opposite bottom side, wherein the container body is integrally formed with a handle shell part as a single piece which projects beyond the container holder and together with the handle part forms an exterior surface of the handle, the container body together with the handle shell part form a chamber for holding toothpaste, at least part of the container body being thin walled and more flexibly elastic than the rest of the container body, such that, only with the toothpaste container removed from the handle part, pressure applied to the toothpaste container will force the toothpaste out of the toothpaste container, wherein the container holder at least substantially completely encloses said dispensing head and partially encloses said opposite bottom side of the toothpaste container;

wherein the handle shell part formed at least partially at said top side of said container body, and

wherein the handle part forms a handle together with the inserted toothpaste container, and wherein a surface of the handle, including the handle part and the toothpaste container, essentially maintains its form when subjected to loading which occurs during teeth cleaning, irrespective of the filling level of the toothpaste container.

24. A toothbrush with a toothbrush body and a toothpaste container, the toothbrush body having

a head which is covered with bristles;

a neck;

a handle part which adjoins the neck and forms a handle together with the toothpaste container, a container holder being integrally formed with the handle part; the toothpaste container having

a dispensing head;

a container body having a first end equipped with the dispensing head;

a second end opposite said dispensing head;

a top side;

an opposite bottom side; and

a handle shell part formed at least partially at said top side of said container body, the container body being integrally formed as a single piece which projects beyond the container holder and together with the handle part forms an exterior surface of the handle, the container body together with said handle shell part to form a chamber for holding toothpaste that is releasably inserted into said container holder of said handle part of the toothbrush, wherein the container holder at least substantially completely encloses said dispensing head and partially encloses said opposite bottom side of the toothpaste container, the dispensing head being closed in a sealed manner to prevent the toothpaste from running out of the toothpaste container when the toothpaste container is inserted in the handle part; and

at least part of the container body being thin walled and more flexibly elastic than the rest of the container body, such that, only with the toothpaste container removed from the handle part, pressure applied to the toothpaste container will force the toothpaste out of the toothpaste container,

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wherein the handle shell part essentially maintains its form when subjected to loading which occurs during teeth cleaning, irrespective of the filling level of the toothpaste container, and forms the surface of a handle together with the handle part.

In claims 2, 3, 5-14 and 19-21,

line 1: delete "1" and substitute --22--.

2. Claims 2-14 and 17-24 are allowed over the prior art of record.

3. The following is an examiner's statement of reasons for allowance: none of the cited prior art teaches a toothbrush with a toothbrush body and a toothpaste container having, in conjunction with other limitations, the handle part, the container body, the handle shell part formed at least partially at said top side of the container body, wherein the container body is integrally formed with the handle shell part as a single piece which projects beyond the container holder and together with the handle part forms the exterior surface of the handle, and wherein the container body together with the handle shell part form the chamber for holding toothpaste as claimed.

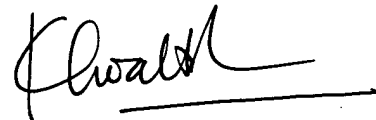
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa D. Huynh whose telephone number is (571) 272-4888. The examiner can normally be reached on M-F (7:00-3:30).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571) 272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Khoa D. Huynh
Primary Examiner
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HK
03/05/07